IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :18809 of 2007

DATED:5.9.2007

Between:

Executive Engineer, Irrigation & Commercial Area Development, Nellore & others.

..... PETITIONERs

AND

Atmakuru Venkaiah

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:18809 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

The petitioners have filed the present writ petition seeking to call for the records pertaining to the order dated 28.2.2007 in O.A.No:267 of 2000 of the Tribunal and set aside the same.

The respondent is the applicant. Originally, on the O.A. filed by the applicant seeking to set aside the order of the 1st respondent in proceedings No:178-KCR, dated 28.6.1999 and consequently, to grant the relief that was granted by the tribunal to the similarly situated persons in O.A.No:1300 of 1994 and 2761 of 1993, dated 25.10.1994, the tribunal having observed that in all the O.As in question disposed during the years 1994, 1995, 1996 and 1998, the respective applicants therein applied for similar relief that is claimed in the present O.A as per G.O.Ms.No:222, dated 26.6.1980 and therefore, in pursuance of the orders passed in the earlier O.As and in view of the similarly situated case of the applicant, the applicant is entitled to the relief as claimed in the O.A, allowed the O.A. Having aggrieved by the same, the present writ petition is preferred by the respondents.

Heard the learned G.P. for Services-II and perused the entire material available on record as well as the order impugned.

There is no dispute that the case of the present applicant is similarly situated to that of the applicants who were granted the similar relief in the earlier O.As in question.

A perusal of the record clearly goes to show that order impugned is based on the common order dated 25.10.1994 in O.A.Nos.1300 of 1994 and 2761 of 1993. Therefore, it can easily be inferred that the relief that was granted in the earlier O.As to the applicants therein and the relief that has been granted to the present applicant is similar. If that being the case, the denial of the relief that is sought by the present applicant, cannot be sustained in as much as it amounts to discrimination. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

5th September, 2007

(JUSTICE G.CHANDRAIAH)

gurc

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:18809 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

5th September, 2007.